

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-12 are pending in this application. Claims 1, 4-7 and 10-12 are hereby amended.

No new matter has been introduced. Support for this amendment is provided in the Specification as originally filed and specifically at pages 19-21. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §101

Claims 5, 6, 11, and 12, which were rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter, are amended herein, obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-12 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 7,106,946 to Kato.

Claim 1 recites, *inter alia*:

“...recording means for recording the streaming data accumulated in the accumulating means in a unit recording area of the information recording medium when the amount of the streaming data accumulated in the accumulating means has reached a capacity of the unit recording area of the information recording medium, and, when the boundary of the data sets is detected by the detecting means, regardless of the amount of the streaming data accumulated in the accumulating means, adding padding data subsequently to the streaming data accumulated in the accumulating means until the total amount of data reaches the capacity of the unit recording area of the information recording medium, and recording resulting data in the unit recording area of the information recording medium,

wherein the boundary of each data set is recorded in a position coinciding with a cluster boundary, thereby, when the data set is deleted from the unit recording area of the information recording medium, all the padding data that was added is deleted and streaming data in a next unit recording area coinciding with a next data set remains.”(emphasis added)

As understood by Applicants, Kato relates to a transport stream recording device, and method, a transport stream reproduction device and method, and a recording medium for efficiently recording and reproducing transport streams.

Applicants submit that Kato fails to teach or suggest the features of claim 1. Specifically, Applicants submit Kato fails to teach or suggest recording means for recording the streaming data accumulated in the accumulating means in a unit recording area of the information recording medium when the amount of the streaming data accumulated in the accumulating means has reached a capacity of the unit recording area of the information recording medium, and, when the boundary of the data sets is detected by the detecting means, regardless of the amount of the streaming data accumulated in the accumulating means, adding padding data subsequently to the streaming data accumulated in the accumulating means until the total amount of data reaches the capacity of the unit recording area of the information

recording medium, and recording resulting data in the unit recording area of the information recording medium, wherein the boundary of each data set is recorded in a position coinciding with a cluster boundary, thereby, when the data set is deleted from the unit recording area of the information recording medium, all the padding data that was added is deleted and streaming data in a next unit recording area coinciding with a next data set remains , as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 4-7 and 10-12 are patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By



Thomas F. Presson
Reg. No. 41,442
(212) 588-0800